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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,743	03/21/2001	James L. Chamberlin	3583-010363	3425

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EXAMINER

RADA, ALEX P

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.

Office Action Summary

Application No.

09/813,743

Applicant(s)

CHAMBERLIN, JAMES L.

Examiner

Alex P. Rada

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 20 August 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

In response to the amendment filed August 20, 2002, in which the applicant has provided drawing corrections to fig 1, amended claims 1, 3, 6, 10, 11,16, 17, 19, and 20, and claims 1-21 are pending in this office action.

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on August 20, 2002 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-12, 14-16, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Allard `193.

4. Allard discloses a support connected to a computer component of a workstation computer system (exercise work station 11), a contact element for striking or squeezing to relieve stress, a punching bag (34), a sound-producing device (column 4, line 27-39) to produce a sound when the bag is struck, and having a first and second end as recited in claims 1, 3-4, 6, and 19-21;

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removeably mounting the support to a computer monitor (display 56) such that the contact element is spaced from the monitor (display 56) as recited in claims 2 and 7-10; a support connectable with the workplace computer (11), and a contact element connected to the support as recited in claim 11; support is substantially rigid as recited in claim 12; a the contact element is movably mounted on the support and having a sound producing device as recited in claim 14 and 15; the contact element is a punching bag as recited in claim 16.

5. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Winn '660.

6. Winn discloses connecting a stress relief device to a computer component of a workstation computer system, the stress relief device having a support and a contact element connected to the support as recited in claims 1 and 6; removeably mounting the support to a computer monitor such that the contact element is spaced from the monitor as recited in claim 2; the contact element is a punching bag and the method includes striking the contact element as recited in claim 3.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winn '660 in view of Allard '193.

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9. Winn disclose the claimed invention as discussed above except for the contact element includes a sound producing device and recording a selected sound on the memory. Allard teaches a contact element having a sound producing device and selectable audio special effects for the punching bag (column 12, lines 38-58). By having selectable or recordable sounds, one of ordinary skill in the art would be able to customize the sound effects. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Winn to include contact element includes a sound producing device and recording a selected sound on the memory as taught by Allard. To do so would be able to include recordable selected sounds to personalize the sound effects of a game to a user desire.

10. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allard '193 in view of Curatola '957.

11. Allard discloses the claimed invention as discussed above except for a connector configured to releaseably engage an engagement element on the computer component. Curatola teaches a connector configured to releaseably engage an engagement element. By having a releaseably engaging element, one of ordinary skill in the art would be able to have an easy release on the component. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Allard to include a connector configured to releaseably engage an engagement element as taught by Curatola. To do so would be able to assemble of disassemble the component for easy storage.

12. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allard in view of Fotsis '940.

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13. Allard discloses the claimed invention as discussed above except for the contact element including display indicia. Fotsis teaches a contact element having display indicia (36). By having display indicia, one of ordinary skill in the art would be able to have a visual aid while striking the contact element. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Allard to include a contact element having display indicia as taught by Fotsis. To do so would be able increase the enjoyment of the device by providing a picture of an opponent.

Response to Arguments

14. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

APR
apr

November 14, 2002


S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
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